



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Ecology A.O # 02-17

- ☒ **Preproposal Statement of Inquiry was filed as WSR 02-23-065 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

Title of rule and other identifying information: Chapter 173-505 WAC Instream Resources Protection & Water Resources Program

Hearing location(s):

1:30 P.M. at Mount Vernon Police & Court Campus
 Multipurpose Room
 1805 Continental Place
 Mt. Vernon, WA 98273
 360-336-6271

7:30 P.M. at Stillaguamish Valley Pioneer Museum
 Pioneer Hall
 20722 67th Ave NE
 Arlington, WA 98223
 360-435-7289

Date: March 24, 2005 Time: 1:30 P.M. and 7:00 P.M

Date of intended adoption: August 1, 2005

(Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Stephen Hirschey
 Address: 3190 160 AVE SE
 Bellevue WA 98008
 e-mail shir461@ecy.wa.gov
 fax (425)649-7098 by (date) April 25, 2005

Assistance for persons with disabilities: Contact

Ms. Judy Beitel by March 17, 2005

TTY (800) 833-6388 or (360) 407-6878

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule would establish instream flows for 32 rivers or streams in the basin, reserve a limited amount of ground water for future domestic use, reserve a limited amount of water for stockwatering; establish maximum limits for withdrawals from nine water sources, close lakes and ponds to new diversions, except for domestic use, and close or partially close numerous rivers and streams to new uses unless the use qualifies under identified exceptions.

Reasons supporting proposal: A rule adoption is necessary to support the goals and implement the policies of chapter 90.54 and 90.22 RCW wherein those statutes direct that perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs. In addition, the statute provides that the Department of Ecology shall be so guided in the implementation of chapter 90.22 RCW to retain sufficient minimum flows or levels in streams, lakes or other public waters to provide adequate waters in such water sources to satisfy stockwatering requirements for stock on riparian grazing lands.

Statutory authority for adoption: RCW 43.21A.064(9); RCW 43.27A.090(11); chapters 90.54 and 90.22 RCW

Statutes being implemented: chapters 90.03, 90.44, 90.22 and 90.54 RCW

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No
 Federal Court Decision? ☐ Yes ☒ No
 State Court Decision? ☐ Yes ☒ No
 If yes, CITATION:

DATE

2/16/05

NAME

Polly Zehm

SIGNATURE

TITLE

Deputy Director, Department of Ecology

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CODE REVISER'S OFFICE
 STATE OF WASHINGTON
 FILED

FEB 16 2005

TIME 9:57 AM
 WSR 05-05-094

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Ecology

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Stephen Hirschey	3190 160 AVE SE Bellevue WA 98008	(425) 649-7066
Implementation.... Dan Swenson	3190 160 AVE SE Bellevue WA 98008	(425) 649-7270
Enforcement..... Dan Swenson	3190 160 AVE SE Bellevue WA 98008	(425) 649-7270

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Stephen Hirschey

Address: 3190 160 AVE SE
Bellevue WA 98008

phone (425) 649-7066

fax (425) 649-7098

e-mail shir461@ecy.wa.gov

Or by visiting: www.ecy.wa.gov/laws-rules/activity/wac173505.html

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Stephen Hirschey

Address: 3190 160 AVE SE
Bellevue WA 98008

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fax (425) 649-7098

e-mail shir461@ecy.wa.gov

Or by visiting: www.ecy.wa.gov/laws-rules/activity/wac173505.html

☐ No: Please explain: